

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALONZO LOPERA GAONA,)
)
Plaintiff,) Civil Action No. 05-310J
)
v.) Judge Kim R. Gibson
) Magistrate Judge Caiazza
JOHN M. ASHCROFT, et al.,)
)
Defendants.)

MEMORANDUM ORDER

Alonzo Lopera Gaona's complaint pursuant to 42 U.S.C. §1983 was sent to the court along with a petition to proceed in forma pauperis on July 21, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 8, 2006, recommended that the Defendants' Motion for Summary Judgment be granted. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his last known address, in care of Ms. Patty Mesa, 827 June Road, Pennsauken, New Jersey, 08110. Objections were due on or before November 27, 2006, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 31st day of January, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion for Summary Judgment (Doc. 25) be granted.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 28), dated November 8, 2006, is adopted as the opinion of the court.



Kim R. Gibson
U.S. District Court Judge

cc: Alonzo Lopera Gaona
c/o Ms. Patty Mesa
827 June Road
Pennsauken, NJ 08110